

Exhibit 1



Freedom of Information Act Request

April 24, 2024

Ryan Witt, FOIA Officer
Bureau of Land Management
Attn: FOIA Office (WO-640)
1849 C St. N.W.
Washington, DC 20240

Submitted via email to: rwitt@blm.gov

Re: Freedom of Information Act Request for Information Related to BLM Marbled Murrelet Data for Western Oregon BLM Lands

Dear Mr. Witt:

This request for documents is made pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 et seq. This request is made on behalf of the Cascadia Wildlands and relates to information regarding marbled murrelet survey data for Western Oregon BLM Lands. Cascadia Wildlands is a non-profit organization based in Eugene, Oregon devoted to protecting old-growth forests and the imperiled species therein.

Specifically, Cascadia Wildlands requests:

1. All records, information, documentation, reports, and communication pertaining to marbled murrelet surveys in Western Oregon conducted since 2016, including, but not limited to, emails, meeting notes, and correspondence. This request specifically includes, but is not limited to, the annual marbled murrelet reporting required by the BLM's Resource Management Plan on pages 136 to 137 (R26, R27, and R28), specifically "the survey effort for marbled murrelet and the outcomes of that survey effort," "the number of newly discovered occupied marbled murrelet sites," and "the amount of marbled murrelet nesting habitat that was modified or removed within the Harvest Land Base."
2. All records, information, documentation, reports and communication with the U.S. Fish and Wildlife Service relating to the survey and analysis of marbled murrelet and their habitat on Western Oregon BLM lands.

This request applies to all responsive documents for which disclosure is not expressly prohibited by law. If you should seek to prevent disclosure of any of the requested records, we request that you: (i) Identify each such document with particularity (including title, subject, date, author,

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www.CascWild.org

recipient, and parties copied), (ii) Explain in full the basis on which non-disclosure is sought, and (iii) Provide us with any severable portions of the records for which you do not claim a specific exemption.

Cascadia Wildlands respectfully requests that you waive any fees, including search and duplication costs, which would otherwise be incurred by this request. The Bureau of Land Management (BLM) should not charge Cascadia Wildlands for the requested information because “disclosure ... is in the public interest [and] is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6. If the BLM decides not to waive fees, please contact me BEFORE incurring any costs in response to this FOIA request.

Cascadia Wildlands is entitled to a fee waiver because disclosure of the requested information satisfies all the requirements set out in 7 C.F.R. Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(i)-(vi). First, the subject of the request concerns “the operations or activities of the government.” 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(i). Specifically, the requested information concerns the operations and activities of the BLM.

Second, the request has informative value and is “likely to contribute to an understanding of government operations or activities.” 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(ii). Cascadia Wildlands and the public are aware of several proposed and ongoing logging operations and planning processes on BLM Lands in Western Oregon. Cascadia Wildlands, numerous other groups, and citizen surveyors are heavily involved in conservation efforts within these areas and are very concerned about the cumulative impacts of logging on the forest and the public resources therein.

The requested information will contribute to an understanding of the scope of the proposed logging, and the underlying reasoning, scientific, or policy basis for logging proposals on Western Oregon BLM lands as well better understand the status and any population changes for marbled murrelet on BLM Lands. Cascadia Wildlands has “expertise regarding the requested information” because our staff, board, and members include wildlife biologists, environmental attorneys, and other relevant experts who will review the requested records.

Third, the disclosure will likely contribute significantly to the “understanding of the subject by the general public.” 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(iv). There has been significant public interest in old-forest conservation in Oregon, especially in areas that Oregonians frequently recreate within such as these areas along the forest of Oregon and have deep appreciation of the coastal forests and the listed birds that inhabit them, such as the marbled murrelet. Cascadia Wildlands intends to use this information to inform the public of the BLM’s logging activities and the resulting cumulative impacts on public resources.

Cascadia Wildlands also intends to use the information to encourage the public to participate in governmental activities and in the planning process for the ongoing forest planning projects occurring on public lands in Western Oregon. Cascadia Wildlands will disseminate the requested

information to our 12,000 members and to the general public in several ways including by the media, on our website, by email, in our newsletter, and others. The Cascadia Wildlands' campaign emails are received by more than 7,000 people every two weeks; our website is visited by more than 3,000 people per month; and our newsletter is read by more than 1,000 people every quarter. Because our mission is to educate the public about the Cascadia bioregion and the environmental threats it faces, the public understanding of the subject of the requested information is perhaps our primary goal in requesting it.

Finally, the disclosure of the requested information "is not primarily in the commercial interest of the requestor." 5 U.S.C. § 552(a)(4)(A)(iii); 7 C.F.R Pt.1, Subpt. A, App. A, Sec. 6(a)(1)(v)-(vi). Cascadia Wildlands does not have an interest in the requested information in "commerce, trade, or profit." *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987). Cascadia Wildlands intends to use the requested information, as stated above, to further the public interest by guarding against irresponsible and potentially illegal logging on public forests.

As provided by FOIA, Cascadia Wildlands trusts that we shall receive an initial determination regarding all components of our request within twenty business days of receipt. 5 U.S.C. § 552(a)(6)(A)(I). If the BLM refuses to grant the requested fee waiver, please contact me before incurring any expense related to this FOIA request. In the event of an adverse response, Cascadia Wildlands reserves the right to appeal such a decision. If you have any questions regarding this request, please contact me by email at peter@cascwild.org or by phone at (541) 434-1463. Thank you for your consideration of this request.

Sincerely,

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